

Friday morning, January 3, 1988. Judge Mark Thomas interview of Judge Louis Doll

MT I am going to get a little background of Judge Doll and a history of San Jose. Louis, where were you born?

LD I was born in Santa Clara.

MT And did you grow up there?

LD I grew up there. I went to St. Clare's grammar school, Santa Clara High School and the University.

MT There were some old landmarks of the old city, like Wilson's Bakery...

LD And Doll's Bakery.

MT Tell me about that. You guys had a bakery.

LD Oh yes. I can remember that the bakery was there in 1914--cause that's when I was born. The bakery was on Franklin Street between Washington and Main.

MT Your parents had it.

LD Yes my parents had it.

MT Did their parents have it, too?

LD No, no, no. They established it.

MT Did you work there?

*LD Did I work there! Yes I did work there! I worked there going to... I remember particularly going to high school because in the last two years of my high school--that was during the Depression--things were a little tough then, so my brother who was about my age and I used to alternate getting up at 4 o'clock in the morning, work in the bakery and then we'd go to school. And when school was over I'd come back and work in the bakery.

MT Did you do that in college, too?

LD For three or four years.

MT How long did that bakery last?

LD Oh, let me see. Until the 1950's.

MT Were the Doll Bakery and the Wilson Bakery rivals?

LD Sure they were.

MT There was another bakery in town, can't remember the name of it. It was way out. When you were growing up in Santa Clara, who were the Justices of the Peace?

LD Well, there was Forrest Bentzien and Charlie Thompson who were Justices of the Peace?

MT Did each one of those Justices sort of run a tight ship?

LD A very loose ship. There wasn't much to do.

MT Did they both handle the same type of cases?

LD Yes, they were both Justices of the Peace.

MT How did they figure out who got one case and who got the next case?

LD I don't know because I had nothing to do with it. I have no idea.

MT Was there anything come of it?

LD I think in those days probably the same thing that they did in the Justice Courts. When you file a complaint. You file a complaint and then you handled it.

MT And then you went to undergrad at Santa Clara and then law school.

LD At Santa Clara, that's right.

MT And then did you go into law practice right away?

LD Well, I went into practice with Jim Arnerich for awhile.

MT Who was Jim Arnerich?

LD Well, Jim Arnerich was a classmate of mine. Jim Arnerich was a football player. In fact, he was an end and a pretty good player, too. When he left, he went to the Attorney General's office because Warren was the Attorney General then. He liked football players. Then I started working with Ed Owens, assistant to the Dean.

MT While you were practicing?

LD No after. We quit. We didn't see anybody.

MT How long were you and Arnerich together?

LD About a year or so.

MT There wasn't enough business.

LD There wasn't enough business.

MT Where was your business located?

LD The Bank of America Building.

MT And what year was this?

LD I guess '39, '40.

MT Who else was in your law school class?

LD Judge DeMarco, Stanley Hasbrook, Dave Ditto, John Davis, Leo Andriano who was related to the well-known Italian attorney in San Francisco by the name of Sylvester Andriano.

MT How many people were there all together in law school?

LD Nine graduated in our class.

MT Was Dean Owens the Dean?

LD Yes.

MT Was there anybody else in the law school at the time that we both might know of.

LD I don't think so. Uh... I don't think so. I can't think of anyone off hand.

MT You and Arnerich were in practice for a year, and then you quit the practice to go back to help the Dean.

LD And then he went to help the Attorney General's office. After the war he became Director of Professional Vocation and Standards.

MT What did you do after you got through assisting the Dean?

LD Well I was in World War II.

MT Were you in the Navy?

LD I was in the Army. I'll tell you this...I had high blood pressure, so I was 4F for awhile. I tried to get a commission in the Navy but couldn't because of high blood pressure. So I went into the Army as a Private and after two years in the Army while I was overseas I went to Officer Candidate School. I went to officer Candidate School in a place you'd never dream of--

MT Where?

LD In Australia! Outside of Brisbane, Australia. There was only one other person around here that went to the same school.

MT Who was that?

LD Bob Webb in the D.A.'s office.

MT How long was the school?

LD Four months, I think. Small school. We had in our class 600 including all branches of the Army. Three hundred graduated.

MT This was right in the middle of the war?

LD Right in the middle of the war. This was MacArthur's Officer Candidate's School. You never heard of it?

MT No. Did MacArthur participate?

LD No. No. He had bigger things to do!

MT I see. And then what did you do after you became an officer?

LD After I became an officer I became an officer in the Administrative Branch. I went to the 5th Replacement Depot in New Guinea as a classification officer.

MT And how long did you stay in New Guinea?

LD Well, I stayed in New Guinea, I don't know how many months, until, well, I was classification officer. Then later I became Assistant Adjutant of the Replacement Depot. And while Assistant Adjutant of the Replacement Depot, the invasion of the Philippines began. A replacement Battalion was sent up there to the Philippines from this depot. And the Replacement Battalion screwed up. So three officers, including myself, were sent up there under special orders from MacArthur--we had high priority for planes--and with typewriters--you wouldn't believe. So I went up to the Philippines and to this day I have never found the unit I was supposed to go to!

MT What happened? Where did you go?

LD Well, I went to the Linguan Gulf and wandered down the big valley there and wandered into Santa Tomas University. That's where the prisoners were kept. Those who were interned during the war, they were in Santa Tomas University. So I tried to find out what to do. I was kind of a wandering soul running around there. Finally a Colonel approached me and asked if I would like to join the U.S. Army Training Group. So I asked, "What is a U.S. Army Training Group?" And he says, "We're going to train the Philippine Army." I said, "That sounds interesting. I'll join your group." So he did some work and he got me assigned to that U.S. Army Training Group.

And for a while I was in Manila recruiting Filipinos for the Philippine Scouts which was part of it. I had little tents set up around the town--four or five of them--and I had my Filipinos there trying to get them to go into the Philippine Scouts. After a while I was sent into Northern Luzon to induct gorilla units into the Philippine Army. These were the guerilla units that fought against the Japanese during the war, and it was very important that they be inducted into the Philippine Army because that was how they got paid...they could get money now. I ran it just like a reception center. We had doctors examine them and so forth and finally... I started out in--I didn't want to go way up in the mountains where it was kind of rough living. So I started with a back unit first. And then when I got through with the back unit, now it was going to be separating the men from the boys, I got orders to return to a Philippine Army Replacement Department to assist them.

I might tell you that while I was doing this work I was having a little trouble with the Hauh Polly Hauk. The Hauh Polly Hauks were the Communists and they fought the Japanese during the war. So the question to resolve was should they be inducted into the Philippine army because they were Communist but they fought the Japanese. There was some discussion about that and finally MacArthur said they should join the Philippine army. The big question was who was the Hauh Polly Hauk? They called them roosters; but they were rosters, and they would have Juan Garcia's name down there so forth and I would call out Juan Garcia. And I'd say you're not Juan Garcia, you're Joe Mendoza. He'd say, "That's my guerilla name." So we had a hard time finding out who belonged to who. One time I threatened that I wouldn't induct these fellows unless I knew their names--and by God they were going to come up and take over the whole camp. We had machine guns all over the place to protect ourselves. Anyway that never materialized, but we were concerned about it.

So anyway, to get back to my working with the Philippine army in their Replacement Depot. It was a big Replacement Depot. The captain who was in charge of it was a very good friend of mine, Jose Vargas. I want to tell you something about Jose Vargas. Wherever I went to look for Philippine officers, I looked for graduates of the Philippine Military Academy not from

the regulars as they didn't know anything. So Jose Vargas was only a Captain yet he was in charge of this Depot. And he says, "Well the Philippine government never raised my rank during the war so therefore I'm still a Captain." The gorilla officers would raise their ranks every two or three weeks. So we had an oversupply of Colonels.

Another little fellow that I liked that was a graduate of the Philippine Military Academy was Napoleon Manguen. Napoleon was about five feet tall and when he put on one of those helmets you could hardly see him. He was very good. Jose Vargas, after I left the Philippines, I understand became Chief of Staff of the Philippine Army.

So I worked for those units for awhile. We would help with the administration, how to operate a unit and so forth and so on. Then after that--what did I do after that?...Oh, then I started returning to the United States. Because I was a lawyer at that time I did some court martial cases representing defendants. Oh, and I might tell you...when I was in the 5th Depot Battalion I did some court martial work, too. I represented an American soldier who was charged with leaving his post. And I got him acquitted because I told them no one instructed him on what he was to do and he wasn't trained properly. Well, that so infuriated the officer who created the court martial that he threw out the whole court martial, the board, so forth. And instead of making me defense counsel, he made me the Trial Judge Advocate, which is a prosecuting attorney!!!

MT And then you proceeded to convict them.

LD No. But I had some other cases. But that was kind of interesting.

MT Where was this?

LD This was in New Guinea, before I went to the Philippines. Oh, and I might tell you also, when I went to Officer Candidate School I was in Hollandia, New Guinea. I was with the 67th Topo Engineer Company. I was a draftsman. Very interesting. When I went to the Officer Candidate School I had to leave Hollandia and go all the way down to Australia. Hollandia had just been conquered at that time. Those big DC4's were coming in and they had these metal strips on them and so forth. I had never been in a plane before. So I went down where a line of planes were leaving, stuck my thumb out and asked, "Is anybody going south?" One said, "Yes, I'm going south; hop in." So I got in this plane, not knowing exactly where I was going but I was going south someplace. Not only that, when I got into this plane it was completely bare inside except for a big extra fuel tank. I got into the southern part of New Guinea and finally hitched rides to Australia. The closer I got to civilization the more advanced it was. That's how I got down to OCS.

In the early part of 1945 I got out of the Army. During the war my parents both died. My father died while I was overseas and my mother died earlier. I came back and I got a job with the AAA--triple A auto association--a little office on the Alameda there. I worked for them--I got out of the Army in April--I worked for them in June and in October I went to work for the District Attorney's Office.

MT October of 1945?

LD 1945.

MT And who was the DA then?

LD Leonard Avilla.

MT At that time was the DA and the County Counsel all the same office?

LD Yes.

MT Who became the first County Counsel?

LD Howard Campen.

MT And was that after Avilla left--became a judge?

LD When Avilla became a judge, Nap Menard who was a former Deputy DA wanted to be District Attorney. But the Board of Supervisors did not want him as County Counsel. So they appointed Howard Campen as County Counsel and Nap Menard became the District Attorney. Nap Menard didn't want the civil work anyway.

MT So this was after Avilla died.

LD No, no, no! When Avilla was appointed to the Superior Court.

MT Would this have been a few months after he was appointed that all this happened?

LD Oh, yes. I don't know exactly--I was in the District Attorney's Office with Avilla for about a year and a half.

MT How many deputies were in the DA's office at that time?

LD Well, there were about five or six.

MT Do you remember any of them?

LD Sure. Pete Lindsey, Dan Feeley, Judge John Dempsey...can't remember, one fellow handled the civil work. This is before Nap. One man handled the civil work for the County at that time. His name was Vernon Perron.

MT He's not the fellow that later did all the welfare work?

LD No, no. That's Pete Mancuso. Can't remember...

MT Maybe it will come back as we go along. What was your job when you went to work for the DA?

LD Just like the rest of them. The DA's office was run a lot differently than it is now. The District Attorney's office in those days was run like a law office. The police officer or people would come in for a complaint and you would handle it just like to handled a law office. In other words, a police officer would come in and say "I want a complaint for robbery." And that was your case. You handled the preliminary examination, you handled the whole thing to trial. You did everything on the job. It was lot different than it is now.

MT Now when Nap took over, was the office handled the same way?

LD Oh yes. Officers handled everything.

MT What type of fellow was Leonard Avilla?

LD Leonard was a very fine gentlemen--a very fine gentlemen--a good lawyer. Leonard handled, when he was there, most of the civil work. He handled both.

MT Where was the DA's office?

LD The DA's office was on the third floor of the old Court House building.

MT And who were the judges in that old Court House building?

LD There were only three Superior Court judges. There was Del Mutolo on the first floor, John Foley on the second floor, and William James on the third floor.

MT You and I know both know that Muni Court in later years things were very pressed and all these cases, but right after the war was the press of business quite a bit less? Things were more relaxed?

LD It was a gentlemanly way of doing business. We had only three judges and when the summer came--James handled the criminal calendar--he took a month off and we didn't try any criminal cases...unless there was something pressing. The whole criminal calendar--I'm talking about the sentencing, the

motions, and there weren't that many motions in those days--all took place on Fridays between 10 and 12 o'clock. Most of the time it didn't even start at 10 o'clock as court started at 10 o'clock in those days, and quit at 4 o'clock in the afternoon. Lunch was from 12 to 2.

MT Quite a change! Now, you remained then in the DA's office until you went on the bench.

LD That's right.

MT Were there other DA's that you were under?

LD No, oh, there was Louis Bergna. That's when Nap became Superior Court Judge and Louis took over.

MT For the most part, did Louie Bergna run the office the same way?

LD He ran it the same way except things got bigger and then we had to segregate things. One handled misdemeanors. It couldn't be handled the same way as it was in the first part because it was inefficient. We didn't have the time and the effort to do it--you couldn't do it that way anymore.

MT I always had the impression that Nap Menard was a rather intense individual and that Bergna, perhaps, was a little more laid back.

LD That's probably true. Nap was very outspoken and he tried a lot of cases, too. At that time the DA tried cases. Now, Bergna tried a number of cases when he first became DA. But afterwards he didn't try any cases because the office was too big. When I left the DA's office in '63 there about 22 attorneys. Now they have over a hundred.

MT During those early days there was also a Police Court in downtown San Jose in the old City Hall.

LD Judge Percy O'Connor.

MT Yes. We've talked about Percy--a lot of us have. I understand that you could tell the difference of the night before if there was a water glass.

LD That's true. Percy was not one to avoid a drink. But I never saw him on the bench when he wasn't sober. But you could always tell when he had a bad night because he had a glass of water there on the bench and that he would drink copiously of the water. That even happened when he was Municipal Court judge.

MT I see. What about...

LD It wouldn't happen when he was Police Judge because he didn't hold court until 4 o'clock in the afternoon.

MT His court didn't start until 4?

LD No, 4 o'clock in the afternoon.

MT Why not?

LD Well, there wasn't anything else to do. This is when he was Police Judge. When he was Police Judge he didn't have to have that glass of water because it didn't start until 4 o'clock in the afternoon. But when he became Municipal Court judge where he had to be there at 9 o'clock in the morning, then he had the glass of water. You see it?

MT Yes, sir. You were here, then, in practice in 1950 when they combined the Police Judges and the Justices of the Peace and O'Connor went downtown. From the point of view of somebody who was around at that time, did the judges handle that okay? Was it handled smoothly?

LD Oh, it was handled very smoothly. I thought it was very smooth because the two Justices of the Peace and Percy O'Connor were sworn in as Municipal Court judges and that was that. The Superior Court judges, of course, remained the same.

MT Who was your head clerk then? Was it Tony Nave?

LD Head clerk--what are you talking about?

MT I'm sorry.

LD Are we talking about the Justice of the Peace?

MT When they consolidated.

LD Tony Nave was the head man and he had a lot to do with seeing that the Clerk's office functioned properly. I have to give him a lot of credit because Tony went from the Justice Courts to the Municipal Courts and handled the functions perfectly.

MT In that old Hall of Justice, which was where the new Superior Court building is now, what was on what floor?

LD Well...I'm not too familiar with what was on the first floor because I didn't have much to do with me. But there was the tax collector, the tax assessor, I can't remember who else. On the second floor on one side was one Justice

Court and on the other side was the other Justice Court and in the back was the law library.

MT Did the juveniles have anything in the old Hall of Justice?

LD No. They had it across the street in Juvenile Hall.

MT In the Home of Detention?

LD Home of Detention. That I can remember.

MT When you were in the DA's office. Who were the private attorneys that were doing most of the criminal defense work.

LD Oh, God.....Dave Lull.....

MT Was Machado doing much?

LD John Machado, yeah. Foleys. They were.... Oh! Elmer Jensen did a lot of work.

MT Did you ever try a case against Elmer Jensen?

LD Yeah, I tried a few cases. I'll never forget Elmer. I'll tell you a little case about Elmer. It was a case in which he tried as a defense attorney. And Elmer spoke for I don't know how many hours and all he had--I saw it, I was watching him--all he had in his hand was a piece of paper with a list of the witnesses on it. And he spoke for 2 or 3 hours. And when he ran out of gas--I'll never forget this--when he ran out of gas one time, he sat on the steps leading up to the Judge's chair, he sat there, and he sat there for about two minutes with his head down, and his hands over his head, and he said, "Please excuse me, I'm thinking. And I don't want to miss anything." He thought for awhile and by God, he got up and was good for another hour!

MT There was another deputy DA by the name of Angelo Pestarino.

LD Deputy DA?

MT Well, he was in the DA's office.

LD Angelo, when he first came into the DA's office, had not passed the Bar Examination. I don't think Angelo did any prosecuting because he hadn't passed. He was an investigator.

MT But when he pass the Bar, he went into private practice?

LD He went out into private practice. That's when Nap left.

MT Did you try cases against him?

LD Oh, yeah. That comes much later. I'm talking about in the '40s. This comes way down at the end of the '50s.

MT I got you. Going back to the '40s. Let's stay there. When Elmer Jensen...would he lay down and cry, would he pull all kinds of stunts?

LD Oh! He wouldn't cry, but he was very emotional and... John Burnett was another one who was around those days.

MT Was he doing criminal work?

LD Oh, he'd do a little criminal work. Not very much, but he did some criminal cases. In those days you covered everything you could put your hands on.

MT They didn't have a Public Defenders Office then.

LD The Public Defenders Office didn't come in until about '65.

MT You think that those attorneys who did do the free public work--did they do a pretty good job?

LD They were all young...Joe Polverino was another one...I thought so. I don't think they were--obviously not as experienced as the people in the Public Defenders Office now because those in that office, that's all they do. But they were good attorneys; they were competent attorneys. And we didn't have the homicides in those days that we have now. They have 50-60 homicides a year here now. We were lucky if we had 3 or 4 a year in those days. And they weren't the kind of homicides I hear about now. They were not brutal things. They were just shootings and so forth. They weren't as brutal as they are now. It is kind of disgusting the way things have gone.

MT Tell me about some of the lawyers in the later years when you prosecuted that you felt that were particularly good and particularly active.

LD That's so long ago...

MT Ange would be one.

LD Angelo would be one. Mark Cali. Bill Keovah.

MT When you prosecuted then you would be in the old Superior Court and you would prosecute in the Hall of Justice when the Municipal Court was.

LD What did you say?

MT I'm sorry. Your cases took place in the old Court House and in the old Hall of Justice when you were in the DA's. Did you try cases in the outlying areas such as, say, Gilroy?

LD They were all misdemeanors. There weren't very many of them. I remember going down to Gilroy one time trying a case. We tried the drunk driving case all in one day. I can remember when I went down to Gilroy old Judge Thomas was there. Have you every heard of Judge Thomas?

MT I sure have! Not related to me.

LD I know. Old Judge Thomas was there and he was going to have his first jury trial in I don't know how many years. So we had this jury trial and we started in the morning, selected a jury about an hour, then started the case. I'll never forget. Three o'clock in the afternoon came and we decided to take a recess. Judge Thomas said, "That's a good idea." But he says "I never knew it took so long to find out whether a fellow was drunk or not!" Not only does this show you how the community was at that time but how few cases they had. The jury began deliberating about 6 o'clock, and the good ladies of the neighborhood--the town there--brought in food so they could have dinner that evening.

MT That's great. Somebody was telling me (I forgot who) that in the old days when you went to one of these outlying courts to take a prelim that the Sheriff would go in and talk to the defendant and get the defendant to admit whatever it was so that you wouldn't have to call so many witnesses. You remember that?

LD That is not true--the way you put it! It wasn't true in Gilroy because they had a Chief of Police down there that was completely incompetent. He would never interview the defendant. So I would go down there for preliminary--let's take a preliminary, for example--I can remember going down there for one. Here's the how the case would be run. I'd go down there, would get there at 2 o'clock in the afternoon and see old Judge Thomas. And say, "Judge we have an auto theft." "Yeah," he says, "Joe Garcia's car was stolen. I'll phone Joe Garcia right now and tell him to come over." The judge!! So he phones Joe Garcia and tells him to come over here. And Joe Garcia would come over and say, "Yeah, my car was stolen." And we'd have a teletype that the car was picked up some place. So I would go to a Bailiff and tell him to come with me. And I'd talk to the defendant. "They say you stole a car." You didn't have to have a Miranda warning at that time. "You stole a car. Did you steal this car?" "Yes, I stole the car." "Okay thank you very much." And we'd go down, we'd put on Joe Garcia, we'd put on the Bailiff, admit he'd stolen the car--and that was the end of the preliminaries!

I'll never forget one time. I'd been doing this so many times. Like this one time. I finally got tired of doing it. I decided to teach this Chief of Police a

lesson. You do your work. I'm not going to do your work. And so...we put on the person whose car was stolen; then we put on the officer and knew what was going to happen. "Did you take a statement from the defendant?" "No, I didn't take a statement from the defendant.

But I have a teletype right here that says he was picked up in Santa Barbara with the car. That ought to be enough." Poor old Judge Thomas. No idea in the world. That isn't enough, that isn't enough. So he got mad and he just stormed out of the courtroom. And finally the Bailiff comes to me and says, "Well, why don't we do it the old fashioned way?" I talked to him. I said, "Listen, I'm so damned tired of this stuff, I'm going to get out of here myself right now." Well that damn fellow phoned Leonard Avilla and gave Leonard hell because I wasn't handling the case properly.

MT Did you ever prosecute out of Campbell?

LD Poor old Judge Blaine was out there. The fellow that rode a bicycle all the time. And he had so few cases that he held court in his house. And when he held court in his house he had these old fashioned chairs and he had those chairs all lined up. Mostly he had traffic cases. But he was a kindly old man.

MT How about Los Gatos?

LD We had Arch Bell there. Arch Bell wasn't a judge, he was a real estate operator. I'll tell you a story about Arch Bell. Some fellows up on the mountains there got into a fight. One of these "holier than thou" people got into a fight. One hit the other. In those days the Justice of the Peace would prepare the complaint. So Bell prepared the complaint. Battery against this other fellow. Well, the victim comes in and says, "I want a complaint." So Bell gave him a complaint. So we had two complaints for the same fight. They both came in--we were going to try this case on a Friday afternoon in Los Gatos. Both of them had attorneys. So I said to myself, "This is going to be easy for me." One of them was Bill Mattenberg--used to be in the City Attorney's Office with Bob Cassin. I said, "Bill, we are going to try your case first. The case in which you are representing your man. And why don't I appoint you Deputy District Attorney. And you handle your matter and prosecute the other fellow who has an attorney." He thought it sounded alright to him, so I just sat there. Bill Mattenberg handled the case. Then we called the next case. And I went to the other attorney and I said, "Why don't you be the Deputy District Attorney and let Bill be the defense counsel?" The same facts you know. And the guy says, "No! I won't do that!" "I'll tell you what we'll do. We'll stipulate that the testimony in the first case was the same as the second case. Will you agree to that?" "Okay fine, we'll do that." Poor old Arch Bell took it under submission and I don't know what the hell he did with it. But you know, those things were funny in those days. We weren't so serious.

MT Where did Bell hold court?

LD Arch Bell held court in the Town Hall.

MT Where was that?

LD The City Hall in Los Gatos. The old City Hall, not the new one. It was across the street from the Los Gatos High School.

MT How about Saratoga?

LD Saratoga had the janitor--I don't want to call him a janitor--the school custodian was the Justice of the Peace there. Very few cases. I don't think I went out there more than two or three times. We used to go out there on Saturdays because he wasn't working on Saturdays.

MT Did he have court in his house?

LD Yes, it was in his house.

MT How about Palo Alto? Did you ever go up there?

LD Palo Alto was a little more sophisticated. Palo Alto had--that fellow that was in a wheelchair--

MT Hardy.

LD Hardy, up there, yeah. They held court in the, I think the City Council chambers there.

MT During the week. What about Mountain View?

LD Mountain View--yes they were there. Ken Malovos was there. And they held it in--he was on the bottom floor of the City Hall. Ken Malovos was the judge. Yep, that was a long time ago.

Oh! The judge before Ken Malovos was this old fellow that went into practice and he practiced until he was 90 years of age.

MT I assume that by the time you got into practice Mayfield was long gone. How about Morgan Hill.

LD No, Morgan Hill didn't have anything. Morgan Hill was Gilroy. Morgan Hill--later on they put one court in there and that's when Eddie Fellows was there. Oh I was down there with Eddie Fellows a few times. As a DA.

MT Where did he have his court?

LD He had his court someplace on the main street. In a store I think.

MT How about Alviso?

LD Never had anything, never went out there.

MT What were the juries like in those days, compared to what they are like now?

LD Well, the makeup of the juries is a lot different than in those days than they are now. The makeup of the jury was...a lot of time you got a lot of farmers, you got a lot of laborers; you didn't get people that were in sophisticated technology and electronics or anything like that. You got farmers, people who worked in the orchards, merchants occasionally. That was about the makeup of the jury--it was a lot different.

MT Now, when you went on the bench, that was '63?

LD '63.

MT Was that in the Court House on Hedding Street? The new court?

LD Yes, that was the new court.

MT What courtroom did you go into?

LD Well, when I went into the courtroom there, the second floor was only half finished. I mean, the third floor was half finished and the fourth floor was completely bare.

MT You must have gone in about the same time as Bob Beresford.

LD Bob and I about the same time.

MT When you were in the court, didn't it used to meet at Vahl's? Did they do that from the very time you started in?

LD No. They didn't do at the beginning. What brought that up, the courts were in districts...there was San Jose, Milpitas Judicial District, the Los Gatos district, Gilroy district, Palo Alto district...there were separate districts. Okay? And the Board of Supervisors were talking about changing the districts all the time, eventually having a unified court which they have now. And they said it would be easier to change the judges around. So the Municipal Court judges organized a Santa Clara County Municipal Court Association. That was for the purpose of working together so they could help each other out. We first met--that was when DuVaras was there--we first met at the Holiday Inn in Sunnyvale for awhile. We used to have dinners there. Finally the price tag got a little too high, so we eventually moved over to Vahl's. We were supposed to help each other out. Well, it did happen. For example, we helped Los Gatos. I would go out there a number of times on Friday and

help Los Gatos. And I got a complaint to make. Palo Alto always had too many judges up there. (You're aware of that!) They had four judges up there and they wouldn't help anybody. So it got so if Palo Alto judges weren't going to help out, we're not going to help and the thing kind of fell apart. But we still kept on meeting at Vahl's.

MT That was a very pleasant group of judges and ...

LD Oh, yes! Mostly about three-quarters social and one-quarter business. Later on it became too much business.

MT One time when you and I rode out there we passed by an old place called Sutters. You were telling me that it used to be one of your hangouts when you were in school?

LD Sutters is a bar--a gambling room out there now, card room--And Sutters was operated by Joe Sutter, who was Swiss. Because in the Milpitas area they had a lot of dairies, the juke box was all Swiss dairy yodels. Joe Sutter was the first man I saw who had a ring in his ear. He had a ring in his ear. Guess he was the first hippie that ever showed up. And the bar was pleasant there. I remember on Sunday afternoon when I was there, some nice couples were driving around the valley looking at the blossoms and the trees so forth. And they came in. One ordered a Manhattan and one ordered a martini and another ordered an old fashioned and things like that. And old Joe said, "What kind of drinks are those? We serve only two kind of drinks here, beer and whiskey! Now how much whiskey you want?" So he just poured it and told them, "Tell me when to stop."

MT Tell me about Cassin's chair.

LD Cassin's chair, it was originally--Cassin originally got that chair from the County.

MT Bob Cassin was a Municipal Court Judge, later went to Superior Court.

LD Bob Cassin got the chair because he complained of a bad back. Cassin went to the Board of Supervisors and got this chair. And Cassin was one that always wanted the best of everything. So there was a saying in Municipal Court "whatever Cassin doesn't want is good enough for me." So Cassin got this chair. Well, when Cassin went to the Superior Court he didn't need the chair any more because in the Superior Court you get a lounge. So he got his lounge--so he could sleep in his lounge. Judge Dempsey got the chair. And when Judge Dempsey retired, Tony Nave, who was the Clerk of the Court came up to me and he said, "Do you want Judge Cassin's chair?" "I said I'd be very happy to have it." Well, Judge Schatz won the election for Judge Dempsey's seat and Jack Schatz saw that chair there and thought how nice to have that chair. When he came to sit down the first day to go to work, the

chair was gone, because it was in my chambers. And he came down ranting, "That's my chair." I said, "No, it's my chair. It's right here. Possession is nine-tenths of the law!" So that's how I got the chair for a couple of years.

MT When you were prosecuting in the DA's office, was there much vice in San Jose? On an organized basis? Or was it just sporadic?

LD No, there wasn't. There were a few prostitutes which we didn't...They called Dago Rosie's on First Street there, but nobody bothered them. You didn't have prostitutes on the street like we had later on--which causes a problem. We didn't have any on the street. They had Dago Rosie's place and they had DuPont Street out here which was an alley where there were prostitutes. They didn't bother anybody. They didn't go out on the street and do what they did later on. Nobody bothered them; there were no complaints. And probably good for the neighborhood in the long run.

MT Where you around town the night of the Hart hanging?

LD I wasn't around town. I was working. I remember first thing I heard about the Hart hanging was when I was working in the bakery. I came to work in the bakery around 4 in the morning and the paper was there and I saw the headlines in the paper.

MT Now we had a series of Sheriffs in Santa Clara County. Were any of them of any significance to you in so far as what they did?

LD We used to have the Sheriff--Lyle and Emig--one would be Sheriff for four years, then the other would be Sheriff for four years, then the next one would be Sheriff for four years; they ran it back and forth. In those days they didn't have any civil service so if you were a Lyle man and Lyle got beaten you were out; if you were an Emig man you came in. There were only about 25 in the Sheriff's office then. What do they have now, a thousand now?

MT Tony Nave was the head Court Clerk of Muni Court. Who followed Tony?

LD Lois Borro.

MT And how long was Lois there?

LD Oh, about a couple of years.

MT Who followed Lois?

LD Joe Speciale.

MT Did all them run a pretty tight ship?

LD Oh, yeah. Not as tight as Tony ran it. Do you remember...Tony would stand at the door where the clerks came in at 8 o'clock. And by God, if you were 5 minutes late the door was closed and you go home. The dress code was a lot different. You had to wear dresses and finally when the pants suits came in, when pants came in, you couldn't wear anything unless it was a pants suit. Now they come in jeans! If a clerk had problems somewhere in the County, all they had to do was call Tony, he backed up clerks all the time unless they were wrong. But he ran a tight ship.

MT I would imagine that you got to know Grandon Miller rather well.

LD Yeah, I knew Grandon.

MT Tell me about him.

LD Grandon was kind of like an old shoe--very comfortable. The thing about Grandon was, he was impersonal. I didn't talk to Grandon like I'm talking to you. You'd say, "Judge Miller." But he was very nice; he would joke with you. I remember one time, just to give you an example, when he said something, by God that was the way it was. I remember one time I had an extradition matter from the state of Washington. I'll never forget it. And he used to--not like they do now--he used to go, "this man is being held and he will be held until two weeks from now." And he would figure out how long it would take a train to come from that area giving it about a week or two to get here. So this train coming from Washington was delayed--was well within the 30 days I want you to understand that. And on a Friday, Gibbons came to me--he wasn't Sheriff then, he was Chief of Detectives--and said, "Listen, it's snowing up in Washington and they are having a hard time getting out of Washington to get the train to come down here. They thought it would be here Monday. They can't be here Monday." So I said, "Well, that'll be no problem. We'll go in there and ask for a two-day or three-day (that's very tight) extension. So I went in there and told him about this train and the snow and so forth and that I would like an extension of about two or three days for the agents to come from the state of Washington. Never listened to me. Denied. Poor old Jack Gibbons. "What the hell are we going to do now?" " Well," he says, "we got a complaint before he was arrested from some former deputy sheriff who owned a motel in San Jose and I'll file a complaint on that thing over there and we'll hold him for two or three days til they get here." Fine, I'll prepare the complaint and so forth and so on. So we held him for about two or three days on this complaint about defrauding an inn keeper or something like that--I don't remember what it was. And in two or three days the agents came from the state of Washington and picked this fellow up. Judge Miller comes to me--and he always put everything in a big book, he had a big book. The minutes were in the book and he put everything in it. He had this big book, just like an old Justice of the Peace you know. And he turned to me and he said--I had finally dismissed the complaint about the innkeeper because I didn't think it was worth very much--

and he said to me, "So do you want me to just forget the whole complaint in the book?" And I says, "Judge Miller, I want you to understand this. I filed that complaint (he thought it was a phony complaint, see)--that was an honest complaint. I want the record to show exactly what it is. I don't want you to remove one damn thing from that complaint. And that's for my record." So he says, "Fine." Do you know that he and I got along swell after that? Whatever I said, there was no problem. We got along swell. I had no problem with him. You know, in those days, even with James, he never discussed what you had to tell about the law--meaning instructions--I never discussed the instructions with James.

MT They just gave them?

LD Never prepared any.

MT They just did it?

LD Just gave them.

MT What was Judge Dempsey like on the bench?

LD Well...Dempsey had a temper. Did you ever know that?

MT I didn't.

LD Yeah, he had a temper. Some guy from the mountains raised hell with him one time in this little justice court where the counsel table was right up against the bench. In other words, when you sat there, you sat only about 4 feet away from the judge. If you were a defendant, you were only about 4 feet away from the judge. This goddamned guy from the mountains--he raised hell and so forth and so on. And Dempsey got up and took a poke at him. Bang. He had an Irish temper. He was very quiet and didn't say much.

MT Did O'Connor come to the new Court or had he retired by that time?

LD He had retired.

MT Did both O'Connor, Miller and Dempsey adjust to the new courthouse? I mean, did they like that as well as where they had been so many years?

LD Sure. I never heard a word... They thought it was class. Remember, the old Court House was not classy.

MT The elevator wouldn't work.

LD It never worked. The earthquake did that.

MT The old City Hall downtown. Did the elevator work there?

LD No. The earthquake took care of that, too.

MT So all those years, neither elevator worked.

LD You walked up the stairs.

MT Judge, do you go back to the Korean war?

LD Yes, I was in the Korean war.

MT Tell me about what happened then.

LD I got called back in the Korean war. I was Army Administration--that was the branch I was in. They abolished Army Administration between World War II and the Korean war. Since I was an attorney, I was placed to the Judge Advocate. So I was called back as a Judge Advocate. I forgot what year that was. When I was first called back they sent me to Judge Advocate school back in Washington. I was in the school there for, I don't know, two or three months, something like that. I came back and since I lived in this area, I was assigned to the 6th Army area which includes the whole Western United States. They couldn't send me out of the 6th Army headquarters overseas because I had spend 27 months in World War II overseas. The Judge Advocate is a very small branch of the army and in Washington, you see, they kept a list of priorities--who should go overseas first and so I was down low enough on that list because I had those 27 months overseas previously. So I was assigned to 6th Army headquarters. They could send me any place within 6th Army headquarters. They wanted to send me one time to Salt Lake City and I told them to go to hell. That what I told them--I told them to go to hell. I says, "Listen, you called me back involuntarily." There was a big beef about why we were called back because we weren't active reserves. We were inactive reserves, and to punish us for being inactive they called us back. And all the active reserves were sitting around drawing their money and didn't have to be recalled. So we were upset. They wanted to send me to Los Angeles, Fort MacArthur down there. I told them I wouldn't go down there. Then the Colonel told me one time, "Well I'll to sent you to a nice place, down to Fort Wychuca in Arizona." Have you ever been to Fort Wychuca in Arizona?

MT No.

LD Fort Wychuca is on the Mexican border. It is a hundred miles from nowhere! He said I'd have a nice house down there. I said, "I wouldn't go down to that place."

You were a lawyer, you were a professional man and the Colonel you were talking to was a professional man. It was just like being a doctor in the army. There was a little class to that. So finally they were going to send me down to San Luis Obispo. I had been there before. There were only three of us left at that time. Fred Dutton--I'll tell you about Dutton later on--Aronsen and myself. Aronsen said, "I live in San Francisco. Let me stay in San Francisco." "Listen Aronsen, we're all going to flip a coin this coming Friday morning and whoever loses goes down to San Luis Obispo. Because the Colonel said, 'I don't care, one of you three has to go down.'" That's how we decided. Well, Friday came and just about when we were going to flip the coin the Chief Warrant Officer came in and says, "Governor Warren will not let the army have San Luis Obispo." So we were saved!

Then the Colonel who was in charge took sick. Now if you know anything about the army, the Colonel had his palace guards around him. People that kind of bowed to him and so forth and so on. I was not one of the palace guards. And the Lieutenant Colonel, who was second of command, was not a palace guard. He was kind of ignored. So, when the Colonel took sick and left the Lieutenant Colonel took charge. And all the palace guards were thrown out. Some went to Korea. So...to fill the void, there was I. And I stayed there for the whole 17 months! One who stayed with me was Fred Dutton. Do you know who Fred Dutton is?

MT No.

LD Fred Dutton later became Governor Brown's executive secretary. He then joined the Kennedy's and was Assistant Secretary of State. Now he represents the Arabs. If the Arabs have a legal problem in the United States, he represents the Arabs. And he has made a fortune representing the Arabs. He and I were very good friends. In fact, he was very interested in politics. We used to discuss politics. Then we had the communist underground there. I call it the communist underground. We were so bitter when we were called back, including Dutton who later became active in government, so Dutton (he was a smart one, he was really smart) was in civil affairs which handled the civil work for the army--pensions and so forth. I was in military justice. So Dutton--we didn't have much to do and we were free the whole time--well, free a lot of the time. So Dutton would read the Congressional Record, and he knew of every Congressman on that committee that had to handle the return of the veterans, how they would vote, and he would prepare letters for us to write. We would send letters to our Senators and he would do that during while he were on duty at 6th Army Headquarters. It was kind of funny. I got a bang out of it.

MT This fellow Aronsen. This wasn't the fellow who became the bankruptcy..

LD Yes, that's Aronsen who was the bankruptcy attorney for...he used to come down all the time. Yeah, he worked for one of those firms in San Francisco.

MT Tell me about court martials.

LD My great court martial victories. I represented the Defense Counsel. I represented on military offenses the defense. On non-military offenses I represented the prosecution. So whenever there was a desertion case--that's all we tried up at 6th Army--I represented the defendant. I represented two fellows who were gone 7 years each! Approximately 7 years each. Pled guilty to Absent Without Leave and they were found not guilty of desertion.

MT How did that happen?

LD Well....You know, the desertion cases up there, those old timers up there, they would try a desertion case in half an hour. They would just put in the morning reports showing he was absent for 7 years. It was therefore presumed he had deserted and that was the end of it--they wouldn't do anything. I would plead the man guilty to Absent Without Leave and then when it came to the defense of the desertion case, I would have him testify from the day he was born, went into the army, and then while he was in the army, "why didn't you come back." And I had one guy who said, "I was going to come back, but I didn't come back, because this happened." One fellow was a poor old dairyman, I'll never forget. Poor Portuguese dairyman. And he said, "I worked in my father's dairy and they called me back into the Army. Then I got married, my father wanted me to work in the dairy and I had to go back to the dairy, but I wanted to come back." Finally, he says, "I was ready to come back, my house burned down, I didn't even have a diaper for my baby." Well, after your house has burned down and you get your house arranged, come back. And he had another excuse. Finally, I told him, "Listen, there's a war in Korea right now. There's a war. What are you going to do about that?" Geez, he stood up, he said, "Give me a gun and I'll go over there right now!" He walked out of desertion!!

MT I wanted to ask you. When you were on the Muni Bench, did you ever go sit in the other courts like Gilroy or Palo Alto. Did you ever sit anywhere else besides San Jose?

LD On a couple of occasions in Gilroy, about a couple of months in Santa Clara, and that's all.

MT When you sat in Gilroy, was the Court House in that old City Hall?

LD No, no. They had the new Court House then. Because I came in later years and that was in the last part of the 20's. And I sat in the new one in Santa Clara.

MT The new pretty building.

LD Yep. I'll tell you something about the Santa Clara Courts. There was Justice Court--when my brother was operating the bakery, when he closed down the bakery, do you know where one place the Santa Clara Municipal Court moved to?

MT No.

LD My father's bakery! It was on Franklin Street right in the bakery there. They remodeled it and made it into a Court House.

MT How long were they there?

LD Not very long.

MT Who was the judge then?

LD Bentzen. They were first at Town Hall, then they were on Lafayette Street, then they went on Franklin Street where my father's bakery was, then went out to El Camino to some furniture store out there later on. They moved about three or four places. But they were mostly old buildings that had been remodeled.

MT There was as an old time San Jose attorney who was J.P., when he was still in law school, by the name of Walsh. Then later he was a J.P. in Campbell.

LD Oh yes. Martin Walsh.

MT Did you every come in contact with him?

LD Martin Walsh walked with a cane.

MT Did you ever try cases before him?

LD I remember one or two occasions. He actually was the Justice of the Peace in Santa Clara before Bentzien or somebody and then he came out to Campbell. That was later on. I remember him.

MT Your brother operated the bakery after the war?

LD For a while after the war.

MT So when the court moved into the old bakery, was it shortly after you closed the bakery down?

LD I don't remember how long. But it was shortly...they remodeled the whole thing.

MT It was on Franklin Street near what?

LD Between Washington and Main.

LD When I was in the Philippines, one job I had I forgot to tell you about was cleaning out the old buildings. I hired on one occasion, one thousand Filipino laborers to clean out the old post office in Manila. It had been bombed and the debris was left. All we had was shovels and a few little tools like that. We were like ants crawling all over the whole damn place. I had to pay these people every day, something like--I don't remember what the exact amount was like--but it was like \$2.32. So you can imagine how much cash I would have to carry around each day. I had this little jeep filled with cash on the bottom and I would sit there at the window and pass out \$2.32 to every guy that showed up at the window. A thousand of them. And one day, I couldn't get the money fast enough. So those guys were working two or three days without money. I almost had a strike on my hands.